

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ FEB 12 2007 ★  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ROBERT BINYARD,

Plaintiff,

-against-

NEW YORK CITY PARKS DEPARTMENT  
DEPARTMENT OF PARKS AND RECREATION,

Defendants.  
-----X

JUDGMENT  
06-CV- 6814 (JG)

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on February 8, 2007, dismissing the action because it fails to state claim upon which relief may be granted, 28 U.S.C. § 1915(e)(2)(B)(ii); directing plaintiff to show cause, by written affirmation, within thirty (30) days of the date of this Order, why the Court should not bar the acceptance of any future *in forma pauperis* complaints for filing without prior leave of the Court; ordering that if plaintiff fails to show cause within the time allotted, he shall be barred from filing any future *in forma pauperis* complaint in this Court without prior leave of the Court; certifying pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith; and denying *in forma pauperis* status for the purpose of any appeal; it is

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ORDERED and ADJUDGED that plaintiff take nothing of the defendants; that the action is dismissed because it fails to state a claim upon which relief may be granted; that pursuant to 28 U.S.C. § 1915(a)(3) any appeal would not be taken in good faith; and that *in forma pauperis* status is denied for the purpose of any appeal.

Dated: Brooklyn, New York  
February 09, 2007

s/Robert C. Heinemann  
ROBERT C. HEINEMANN  
Clerk of Court